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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,366	12/27/2000	Jonathan S. Goldick	MS 154771.1/40062.95-US-0	7308

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EXAMINER	
NGUYEN, CINDY	
ART UNIT	**PAPER NUMBER**
2161	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,366	GOLDICK, JONATHAN S.	
	Examiner	Art Unit	
	Cindy Nguyen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2004* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5,7-14 and 16-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 5, 7-14 and 16-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

This is in response to communication filed 06/25/04.

1. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 5, 7-14 and 16-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hodges et al. (U.S 6035423) (Hodges) in view of Nachenberg (U.S 6067410).

Regarding claim 1, Hodges discloses: a method of providing a file stored in a computer system with version-specific information relating to a virus scanning application that is independent from an application used to create the file the method comprising:

Receiving a request from the virus scanning application to create a version-specific attribute associated with the file (col. 6, lines 47-63, Hodges), wherein the version-specific attribute contains version-specific information relating to the virus scanning application (col. 7, lines 9-19, Hodges);

Maintaining the version-specific attribute to reflect relevant updates to the file by automatically invalidating the version-specific information in response to a predetermined event (col. 8, lines 52 to col. 9, lines 11, Hodges);

Receiving a request from the virus scanning application to evaluate the version specific attribute (col. 6, lines 47-63, Hodges); and

Providing the version specific information to the virus scanning application in response to the request to evaluate the version specific attribute (col. 8, lines 52 to col. 9, lines 11, Hodge).

However, Hodge didn't disclose: wherein the version-specific attribute comprises mask information providing information related to which predetermined events invalidate the version-specific information. On the other hand, Nachenberg discloses: wherein the version-specific attribute comprises mask information providing information related to which predetermined events invalidate the version-specific information (col. 9, lines 40-56, Nachenberg). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step wherein the version-specific attribute comprises mask information providing information related to which predetermined events invalidate the version-specific information in the system of Hodges as taught by Nachenberg. The motivation being to enable the system comprises the emulation module to control decryption of these viruses that are encrypted (col. 2, lines 55 to col. 3, lines 11, Nachenberg).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Hodges/Nachenberg discloses: wherein version-specific information relates to a version of a virus definition file (col. 10, lines 33-53, Nachenberg). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step wherein version-specific information relates to a version of a virus definition file in the system of Hodges as taught by Nachenberg. The motivation being to enable the system comprises the virus definition file for each known virus to control decryption of these viruses that are encrypted (col. 2, lines 55 to col. 3, lines 11, Nachenberg).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Hodges/Nachenberg discloses: wherein the predetermined event is an update to file data (col. 8, lines 52 to col. 9, lines 11, Hodges).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Hodges/Nachenberg discloses: wherein the method further comprises: providing security information within the version-specific attribute (col. 9, lines 40-55, Nachenberg).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Hodges/Nachenberg discloses: wherein the invalidating act further comprises deleting the version-specific attribute (col. 10, lines 20-32, Nachenberg).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Hodges/Nachenberg discloses: a method of accessing a file stored in a computer system, said method comprising:

Receiving an access attempt relating to an access request (col. 9, lines 26-55 and col. 13, lines 21-39, Nachenberg);

Determining whether the access attempt relates to an invalidating access (col. 9, lines 26-55 and col. 13, lines 21-39, Nachenberg);

If the access attempt related to an invalidating access: invalidating the version-specific attribute and if the access attempt does not related to an invalidating access then performing the access operation related to the access request (col. 9, lines 26-55 and col. 13, lines 21-39, Nachenberg).

Regarding claims 9 and 12, all the limitations of these claims have been noted in the rejection of claims 1 and 10 above, respectively. In addition, Hodges/Nachenberg discloses: a computer and

encoding instructions for executing the method recited in claims 1 and 10 (col. 13, lines 56-63, Nachenberg).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Hodges/Nachenberg discloses: wherein if the access attempt does not relate to an invalidating access, then said method further comprises: determining whether the access depends on the version specific attribute and if the access does not depend on the version specific attribute, then performing the access operation related to the access request and if the access depends on the version specific attribute determining whether the attribute is valid and performing a predetermined operation with the virus application based on whether the attribute is determined to be valid (col. 9, lines 26-55 and col. 13, lines 21-39, Nachenberg).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Hodges/Nachenberg discloses: a computer-readable medium having stored thereon a data structure, wherein the data structure comprises: an actual file data section contains actual file data (col. 8, lines 52 to col. 9, lines 11, Hodges); a header section (col. 8, lines 52 to col. 9, lines 11, Hodges); a version-specific attribute section, wherein the version-specific attributed section is created by virus scanning application that is independent from an application used to create the actual file data (col. 8, lines 52 to col. 9, lines 11, Hodges), and wherein the version-specific attribute comprises a meta information section (col. 8, lines 33-67, Nachenberg).

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 13 above. In addition, Hodges/Nachenberg discloses: wherein the meta information section stores the name of the attribute, and wherein the version-specific attribute further comprises: a version information

section for storing information related to the version of a virus definition file used with the virus scanning application (col. 9, lines 26-40, Nachenberg).

Regarding claim 16, all the limitations of this claim have been noted in the rejection of claim 14 above. In addition, Hodges/Nachenberg discloses: wherein the predetermined event related to a modification of the data structure (col. 8, lines 52 to col. 9, lines 11, Hodges).

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claims 1 and 11 above. In addition, Hodges/Nachenberg discloses: a computer program product readable by a computer and encoding instructions for executing a computer process for managing version-specific information for a file within a file system, said computer process comprising: storing version-specific information as an attributed to create a version-specific attribute for a file (col. 6, lines 47, col. 9, lines 11-31, Hodges).

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 17 above. In addition, Hodges/Nachenberg discloses: wherein the computer comprises a file system and the acts of storing and invalidating are performed by the file system (col. 6, lines 47-63, Hodges).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 17 above. In addition, Hodges/Nachenberg discloses: wherein the version-specific information relates to a virus definition file used with the virus scanning application (col. 10, lines 33-53, Nachenberg).

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Hodges/Nachenberg discloses: wherein the predetermined access attempted relates to a modification of the file (col. 9, lines 26-56, Nachenberg).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 20 above. In addition, Hodges/Nachenberg discloses: wherein the version-specific attribute remains

following one of the following access attempts: copy, rename or backup (col. 13, lines 64 to col. 14, liens 13, Nachenberg).

Response to Arguments (06/25/04).

On page 8, Applicant argues: Hodges doesn't describe the creation or later use of a version-specific attribute that pertains to the version of the virus-definition file and is located with the file itself. However, these limitations were not in the claims.

On page 9, Applicant argues: Nachenburg does not teach or suggest mask information as in the present invention, nor does it teach or suggest predetermined events being used to invalidate version-specific information. In response, Nechenburg clearly discloses: mask information providing information related to which predetermined events invalidate the version-specific information as the module can be corrupted by virus during decryption for accessing backup file... ensures that virus 224 can not access and damage the computer system (col. 9, lines 50-56. Nechenburg).

Applicant argues: neither Hodges or Nachenberg, alone or in combination disclose the use of "a version specific attribute" or "mask information providing information related to which predetermined events invalidate the version-specific information". In response, Hodges clearly discloses: a version specific attribute as signature files (col. 6, lines 55-58, Hodges), and Nachenburg discloses mask information providing information related to which predetermined events invalidate the version-specific information as the module can be corrupted by virus during decryption for accessing backup file... ensures that virus 224 can not access and damage the computer system (col. 9, lines 50-56. Nechenburg).

Applicant argues: Nachenberg is wholly inapposite to the claimed invention of the present application since the emulation repair information is entirely different from the version specific attribute information claimed in the present application. In response, Nachenberg is wholly inapposite the claimed invention, Examiner rejected the claimed invention as 103 rejection as above. The examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN

Cindy Nguyen
November 18, 2004

Frantz Coby
FRANTZ COBY
PRIMARY EXAMINER